

Thursday
March 22, 1984

Part II

Department of Transportation

Research and Special Programs
Administration

49 CFR Parts 172, 173, 174, 176, 177,
178, and 179

Shipment of Hazardous Materials;
Proposed Miscellaneous Amendments

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration49 CFR Parts 172, 173, 174, 176, 177,
178, and 179

[Docket No. HM-166R; Notice No. 84-3]

Shipment of Hazardous Materials;
Proposed Miscellaneous AmendmentsAGENCY: Materials Transportation
Bureau, Research and Special Programs
Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) is proposing to make several miscellaneous amendments to the regulations pertaining to the shipment of hazardous materials. This action is necessary to update the regulations and to reduce MTB's backlog of rulemaking petitions. Approximately twenty petitions would be eliminated by this rulemaking.

DATE: Comments must be received by June 29, 1984.

ADDRESS: Address comments to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and notice number and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Dockets Branch is located in room 8428 of the Nassif Building, 400 7th Street SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202) 426-2075.

SUPPLEMENTARY INFORMATION: This document is primarily designed to reduce regulatory burdens by incorporating changes in the Hazardous Materials Regulations based on either petitions for rulemaking submitted in accordance with 49 CFR 108.31 or on MTB's own initiative. These proposed amendments are in keeping with Executive Order 12291 and are designed to simplify existing regulations.

In Part 172, these proposed amendments would (1) change the word "may" to "must" in § 172.101(i)(1), (i)(2) and (i)(3) to be consistent with § 172.102(L) and § 176.63. Also, a new paragraph would be added to

§ 172.101(i) to explain the meaning of "1.2" as shown in § 172.102(L); (2) revise the last sentence of the first paragraph of the introduction to the CERCLA List (§ 172.101) for clarity; (3) add "Aluminum chloride, anhydrous" as a corrosive material to the § 172.101 table; (4) add Ammonium persulfate as a proper shipping name in the § 172.101 table; (5) delete the entry "Cartridge cases, empty, primed" from § 172.101 and § 173.107; (6) add "Diacetone alcohol" as a combustible liquid to the § 172.101 table; (7) add "Fluosilicic acid" and "Hydrofluosilicic acid" to the § 172.101 table and § 173.265; (8) change the hazard class of "Hexamethyleneimine" from a corrosive material to a flammable liquid in the § 172.101 table; (9) add Methyl cyanide to the § 172.101 table; (10) add Potassium persulfate, Sodium persulfate, Sodium sulfide, anhydrous or Sodium sulfide with less than 30 percent water of crystallization; Sodium sulfide, hydrated with not less than 30 percent water and Trichloroisocyanuric acid, dry containing over 39 percent available chlorine to the § 172.101 table; (11) revise § 172.504(c) to make the placarding requirements consistent for Table 2 materials when transported by motor vehicle, rail car, or a freight container when transported by highway or by rail car.

In Part 173, these proposed amendments would (1) amend § 173.7(a) to include a reference to a joint Department of Defense (DOD) publication which prescribes policies and procedures for the issuance of a Certification of Equivalency (COE) by the DOD; (2) revise § 173.31(a)(2) to delete obsolete tank car references; (3) revise § 173.31(c)(9) regarding retesting and to authorize additional type of linings for tank cars; (4) revise § 173.31(c)(10) to require stenciling of the test due date for the tank car, safety relief valve and heater system; (5) revise the retest table in § 173.31(c)(13) by deleting obsolete references; and adding two footnotes; (6) revise § 173.32(a) to eliminate the need for the owner of DOT Specification 58 and 57 portable tanks to keep on file a copy of the manufacturers data report; (7) delete § 173.32a(e) because the requirement for compliance expired October 1, 1981; (8) revise § 173.33(d)(13) to eliminate the need for operators of certain DOT Specification MC 330 or MC 331 cargo tanks to file a copy of the retest report with the Director of the Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590; (9) delete paragraph (c)(4) of § 173.34; (10) amend the Table in § 173.34(e)(10)

by adding DOT Specification 3 AA for argon, helium, nitrogen, oxygen, breathing air, and dry compressed air; (11) amend § 173.53(h) to include the Bureau of Mines, U.S. Department of the Interior as an authorized agency to examine Type 8 explosives; (12) remove references to obsolete tank car references in § 173.119(a)(12); (13) authorize the use of DOT Specification MC 310, MC 311, or MC 312 cargo tanks in § 173.119(a)(17) for the Transportation of flammable liquids; (14) revise § 173.119(a)(18) and (e)(2) by deleting the reference to obsolete tank cars; (15) revise § 173.119(e)(3), (e)(3)(i), and (f)(5) to authorize the use of DOT Specification MC 310, MC 311 or MC 312 cargo tanks for the transportation of flammable liquids; (16) correct (see Note 2) in § 173.119(f) to read (see Note 1); (17) amend § 173.119(f)(3) and (f)(4) to remove the reference to obsolete tank cars; (18) remove and reserve paragraphs (g) and (h) of § 173.119; (19) revise § 173.123(a)(5) by deleting the reference to ARA-IV-A¹ tank cars and to Note 1; (20) eliminate the need for a heat retardant paint to be examined by the Bureau of Explosives and approved by the Associate Director for HMR in § 173.124(a)(1) and (a)(2); (21) eliminate the need for certain inside metal containers to be examined by the Bureau of Explosives and approved by the Associate Director for HMR in § 173.202(a)(1); (22) delete the net weight restriction in § 173.206(c)(2); (23) remove the entire § 173.238 as it pertains to commercial aircraft rocket engines and/or aircraft rocket engine igniters; (24) revise § 173.245(a)(25) to eliminate the need for inside aluminum containers to be examined by the Bureau of Explosives and approved by the Associate director for HMR; (25) revise § 173.252(g)(1) to eliminate the need for the gasket material to be examined by the Bureau of Explosives and approved by the Associate Director for HMR; (26) revise § 173.256(a)(3) to eliminate the need for a molded liner to be examined by the Bureau of Explosives and approved by the Associate Director for HMR; (27) amend § 173.263(a)(9) to authorize the use of a safety relief valve on DOT Specification 103BW and 111A100W5 tank cars; (28) clarify § 173.289(a)(2)(i) regarding marking requirements; (29) delete reference to ARA-V tank cars in Note 12 of the § 173.314(c) table. Also, for the entry Chlorotrifluoromethane (R-13), DOT-106A500X, 110A500W and Note 25 would be removed; (30) amend the

¹ The use of existing tank cars authorized but new construction not authorized.

heading in column 4 of Table in § 173.315(b) to show that "See Note 1" applies to all of the entries; (31) revise § 173.354(a)(5) and (a)(6) to authorize the use of a frangible disc in series with a spring-loaded safety relief valve on DOT Specification 51 portable tanks and DOT Specification MC 331 cargo tanks which are used to transport motor fuel antiknock compound; (32) add a paragraph (c)(5) to § 173.860 to provide an exception for minute quantities of metallic mercury in electron and vapor tubes.

In Part 174, these proposed amendments would (1) revise § 174.63(d) to specify the criteria for approving DOT Specifications IM 101 and IM 102 portable tanks for trailer-on-flat-car (TOFC) and container-on-flat-car (COFC) service and (2) revise § 174.104(a) to specifically state that cushioned underframe rail cars are authorized for the transportation of explosives; also, paragraph (b)(6) would be amended to require the carrier to check for the presence of flammable or other potential hazardous residues that may have permeated the car floor or walls.

In Part 176, § 176.305(c)(5) would be revised to clarify that flammable liquids having a flash point above 73° and in excess of one ton may be transported in any hold or compartment that is fitted with a gooseneck type of vent head.

In Part 177, § 177.817 (a) and (d) would be revised to make the shipping paper requirements consistent with those in Part 172.

In Part 178, (1) § 178.24-7(a), 178.27-3(a), and 178.35a-3(a) would be revised to clarify that testing may be done at a location other than at the manufacturing location; (2) relocate Note 2 in § 178.37-5(a) of the end of the first table; (3) revise § 178.46-4(d)(12) by eliminating the need for a copy of the inspectors report to be filed with the Associate Director for HMR; (4) correct Part III to read Part II in § 178.46-8(e)(2); (5) amend §§ 178.47-8(a), 178.50-8(b), 178.51-8(d), 178.53-8(h), 178.54-8(a)(2), 178.55-8(d), 178.56-8(d), 178.57-8(e), 178.58-8(a), 178.59-7(a), 178.60-7(b), 178.61-8(d), and 178.65-6(d) to require all DOT Specifications for welded steel cylinders to reference CGA Pamphlet C-3 for

consistently; (6) add the word "stress" after the word "wall" in § 178.57-10(a)(5); (7) revise § 178.61-15(a) to specify lot size and frequency of test; (8) amend § 178.65-5(b) to authorize the use of aluminum alloy identified as "1060" for DOT Specifications 39 cylinders; (9) revise § 178.80-11; (10) eliminate the minimum marking size for metal drums in §§ 178.80-12(a), 178.81-12(a), 178.82-12(a), 178.83-12(a), 178.88-11(a), 178.89-10(a), 178.90-11(a), 178.92-12(a), 178.98-10(a), 178.99-10(a), 178.100-10(a), 178.102-4(a), 178.107-10(a), 178.109-10(a), 178.115-11(a), 178.116-11(a), 178.117-12(a), 178.118-11(a), 178.130-9(a), 178.131-10(a), 178.132-10(a), 178.133-10(a), 178.134-4(a), 178.135-9(a), 178.137-6(a), 178.140-7(a), and 178.141-7(a); (11) revise § 178.102-4(a) to allow embossment on either permanent head of a new DOT Specification 6D drum or on the side of a drum which has been altered to a DOT Specification 6D; (12) revise § 178.117-9 to authorize the use of a performance type of closure for DOT Specification 17F steel drums; (13) revise § 178.134-2(c) to allow two weep holes in a DOT Specification 37M cylindrical steel overpack immediately below the top chime; (14) correct the introductory text of § 178.137-7(b) to reference paragraphs (1) and (2) instead of paragraphs (a)(1) and (2); (15) revise § 178.251-3(d) to reduce the number of size of specimens which are required to be tested for DOT Specification 56 and 57 portable tanks. Also, the test interval would be increased from six months to twelve months; (16) revise § 178.255-8 to eliminate the need for safety devices on DOT Specification 60 portable tanks to be approved by the Associate Director for HMR; (17) revise § 178.255-15(a) to eliminate the need for a copy of the manufacturers data report and registration of each DOT Specification 60 portable tank to be filed with the Associate Director for HMR; (18) revise §§ 178.337-17(a) and 178.340-10(b) by requiring the metal certification plate to be on the left side of the cargo tank near the front on all DOT Specification MC 306, MC 307, MC 312, MC 331, and MC 331, and MC 338 cargo tanks constructed after September 30, 1984.

In Part 179, (1) § 179.200-15(a) would be revised by deleting the reference to

§ 179.202-1; (2) amend the § 179.201-1(a) table by deleting the reference to 179.202-1 each time it appears in the line entry "Special references"; (3) remove § 179.202-1 because the same requirement is contained in § 179.201-6(a) and, (4) amend the table to authorize a safety relief valve on DOT Specification 103BW and 111A100W5 tank cars.

These proposed regulations are considered to be non-major under Executive Order 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal has been found to be so minimal that further evaluation is unnecessary. These proposed regulations are considered to be noncontroversial and are intended to ease the burden on manufacturers, shippers, carriers and users of hazardous materials.

Since the impact of this proposal is expected to be minimal, the MTB certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Labeling, packaging and containers.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 174

Hazardous materials transportation, Railroad safety.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers.

49 CFR Part 177

Hazardous materials transportation, Motor carriers.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

49 CFR Part 179

Hazardous materials transportation, Railroad safety.

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 172.101(i) (1), (2), and (3).	The use of the word "may" is not consistent with § 172.102(i) and § 176.83. Also, a new paragraph would be added to § 172.101(i) to explain what "1, 2," means regarding stowage.	To amend paragraphs (1) (1), (2), and (3) of § 172.101 by changing the word "may" to "must" and add a new paragraph to read as follows: "1, 2" means the material must be stowed either "on deck" or "under deck"; however, "under deck stowage" should be used if available".

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 172.101 (CERCLA List)	Rewritten for clarity.	In § 172.101, the last sentence of the first paragraph preceding the CERCLA List would be revised to read as follows: NOTE: " * * * With respect to other materials in the following list, those that are not forbidden materials or do not fall within a hazard class defined in this subchapter are not subject to the requirements of this subchapter."
§ 172.101	To add Aluminum chloride, anhydrous as a corrosive material to the § 172.101 Table. This material will react with moisture or water and releases hydrogen chloride gas and heat. The UN Recommendation for Transport of Dangerous Goods, IMO and ICAO list anhydrous aluminum chloride as a corrosive.	See § 172.101 Table for proposed entry.
§ 172.101	To add Methyl cyanide to the § 172.101 Table. Methyl cyanide is the international description for Acetonitrile, NA 1548, which is in the Table. Because of the "UN" vs "NA" prefix to the identification number, methyl cyanide should be added as a complete entry instead of a "See" reference to acetonitrile.	Do.
§ 172.101, § 173.107	The Sporting Arms and Ammunition Manufacturers' Institute, Inc. has requested that all references to Cartridge cases, empty, printed be removed for clarity. The petitioner points out that this product is not listed and defined in § 173.160 and that in § 173.55 cartridge cases containing only a primer are exempt from Parts 170-189.	In 172.101, the Table would be amended by removing the entire entry for "Cartridge cases, empty, primed." Also, in § 173.107 all references to cartridge cases, empty, primed would be removed.
§ 172.101, § 173.265	To add the proper shipping name "Fluoroboric acid" and "Hydrofluoboric acid" to the § 172.101 Table and § 173.265. The United Nations Recommendations on the Transport of Dangerous Goods do not list hydrofluoroboric acid or hydrofluoboric acid as proper shipping names; only "Fluoboric acid" is listed. This change will facilitate international shipments.	See § 172.101 Table for proposed entries. Also, § 173.265 would be amended to include "Fluoboric acid" and "Hydrofluoboric acid".
§ 172.101	To add a new entry in the Hazardous Materials Table for "Diacetone alcohol" classed as Combustible liquid. Flash point of Diacetone alcohol ranges from 48° F. to 148° F. (closed cup) depending on the grade of diacetone alcohol. At present, diacetone alcohol which has a flash point of 100° F. or higher and is classed as Combustible liquid must be described as Combustible liquid, n.o.s. and NA 1993 must be used.	See § 172.101 Table for proposed entry.
§ 172.101	To change the hazard class of Hexamethylenimine from corrosive material to flammable liquid. In addition to being corrosive to skin, hexamethylenimine has a closed cup flash point of 85° F. (18° C) and meets the definition of the flammable liquid hazard class.	Do.

§ 172.101 Hazardous Materials Table.

+ / E / N / W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Excep-tions	Specific require-ments	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves-sel	Cargo ves-sel	Other requirements
(1)	(2)	(3)	(3a)	(4)	(5a)	(5b)	(6a)	(6b)	(7a)	(7b)	(7c)
ADD	Aluminum chloride, anhy-drous	Corrosive material	UN1725	Corrosive	173.244	173.245b	25 pounds	100 pounds	1, 2	1, 2	Keep dry.
	Ammonium persulfate	Oxidizer	UN1444	Oxidizer	173.153	173.154	50 pounds	200 pounds	1, 2	1, 2	
	Diacetone alcohol	Combustible liquid	UN1444	None	173.118a	None	No limit	No limit	1, 2	1, 2	
	Fluoboric acid	Corrosive material	UN1778	Corrosive	None	173.265	1 quart	1 gallon	1, 2	1, 2	
	Hydrofluoboric acid or Hydrofluosulfonic acid	Corrosive material	NA1778	Corrosive	None	173.265	1 quart	1 gallon	1, 2	1, 2	
	Methyl cyanide	Flammable liquid	UN1548	Flammable liquid	173.118	173.318	1 quart	55 gallons	1	1	Shade from radiant heat.
	Potassium persulfate	Oxidizer	UN1492	Oxidizer	173.153	173.154	50 pounds	200 pounds	1, 2	1, 2	
	Sodium persulfate	Oxidizer	UN1505	Oxidizer	173.153	173.154	50 pounds	200 pounds	1, 2	1, 2	
	Sodium sulfide, anhydrous or Sodium sulfide with less than 30% water or crystallization	Flammable solid	UN1385	Flammable solid	173.153	173.207	25 pounds	100 pounds	1, 2	1, 2	Store separated from liquid acids.
	Sodium sulfide, hydrated with not less than 30% water	Corrosive material	UN1548	Corrosive	173.244	173.245b	25 pounds	100 pounds	1, 2	1, 2	Store away from acids.
	Trichloroacetylenic acid, dry	Oxidizer	UN2885	Oxidizer	173.153	173.217	10 pounds	55 pounds	1, 2	1, 2	Shade from radiant heat. Keep dry. Store separated from nitrogen compounds.
DELETE	Cartridge cases, empty, primed	Class C explosive		None	None	173.107	50 pounds	150 pounds	1, 2	1, 3	
	Hydrofluoroboric acid	Corrosive material	NA1778	Corrosive	None	173.265	1 quart	1 gallon	1, 2	1, 2	
	Sodium sulfide, anhydrous	Flammable solid	UN1385	Flammable solid	173.153	173.207	25 pounds	100 pounds	1, 2	1, 2	Store separate from liquid acids. Separate from flammable gases or liquids, oxidizing materials or organic peroxides.
CHANGE	Hexamethylenimine	Flammable liquid	UN2490	Flammable liquid and Corrosive	None	173.119	1 quart	1 gallon	1, 2	1	

+ / E / A / W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Excep-tions	Specific require-ments	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves-sel	Cargo ves-sel	Other requirements
(1)	(2)	(3)	(3a)	(4)	(5a)	(5b)	(6a)	(6b)	(7a)	(7b)	(7c)
	Motor fuel antiknock compound or Antiknock compound (these materials may contain various hazardous substances for which the appropriate RO applies). Trichloro-s-triazine-trione dry, containing over 36% available chlorine.	Poison B..... Oxidizer.....	UN1649..... NA2486.....	Poison..... Oxidizer.....	None..... 173.153.....	173.354..... 173.217.....	Forbidden..... 50 pounds.....	55 gallons..... 100 pounds.....	1..... 1, 2.....	5..... 1, 2.....	If flashpoint less than 141 deg F, segregation same as for flammable liquids. Shade from radiant heat. Keep dry. Slow separated from nitrogen compounds.

Regulation affected	Reason(s) for proposed change	Proposed amendment																														
§ 172.504(c)	To make the placarding requirements consistent for Table 2 materials when transported by motor vehicle, freight container or rail car.	In § 172.504, paragraph (c) would be revised to read as follows: (c) Except for a transport vehicle or freight container that contains a hazardous material covered by Table 1; when the gross weight of all hazardous materials covered by Table 2 is less than 1000 pounds, no placard is required on a motor vehicle, rail car, or freight container. This paragraph does not apply to a portable tank, cargo tank, tank car, or to transportation by aircraft or vessel.																														
§ 173.7(a)	To add a reference to a joint Department of Defense (DOD) publication which states the policies and procedures for the issuance of a Certification of Equivalency (COE) by the DOD.	In § 173.7 paragraph (a) would be revised to read as follows: (a) Hazardous materials offered for transportation by, for, or to the Department of Defense (DOD) of the U.S. Government, including commercial shipments pursuant to a DOD contract, must be packaged in accordance with the regulations in this subchapter or in packaging of equal or greater strength and efficiency as certified by DOD pursuant to the "Policies and Procedures for Hazardous Materials Packaging Certification, AFLCR 800-29/AFSCR 800-29/DARCOM-R 700-103NAVMATINST 4030.11/DLAR 4145.37. Hazardous materials offered for transportation by DOD under this provision may be reshopped by any shipper to any consignee provided the original packaging has not been damaged or altered in any manner.																														
§ 173.31(a)(2)	The Association of American Railroads (AAR) has petitioned for several changes to § 173.31 in order to delete unnecessary text and reference to obsolete tank car specifications. The MTB concurs with these proposed changes.	In § 173.31, paragraph (a)(2) would be revised to read as follows: (2) Tanks prescribed in the following table are authorized for service provided they comply with all of the other safety requirements of this subchapter:																														
		<table> <tr> <th>Specifications prescribed in current regulations</th><th>Other specifications permitted (subject to the notes)</th><th>Notes</th></tr> <tr> <td>105A200W.....</td><td>105A100W.....</td><td>1</td></tr> <tr> <td>105A200A LW.....</td><td>105A100A LW.....</td><td>1</td></tr> <tr> <td>105A300W.....</td><td>ICC-105, 105A300.....</td><td></td></tr> <tr> <td>105A400W.....</td><td>105A400.....</td><td></td></tr> <tr> <td>105A500W.....</td><td>105A500.....</td><td></td></tr> <tr> <td>105A600W.....</td><td>105A600.....</td><td></td></tr> <tr> <td>106A500X.....</td><td>ICC-27, BE-27, 106A500.....</td><td></td></tr> <tr> <td>106A800X.....</td><td>106A800.....</td><td></td></tr> <tr> <td>107A***.....</td><td></td><td>2</td></tr> </table>	Specifications prescribed in current regulations	Other specifications permitted (subject to the notes)	Notes	105A200W.....	105A100W.....	1	105A200A LW.....	105A100A LW.....	1	105A300W.....	ICC-105, 105A300.....		105A400W.....	105A400.....		105A500W.....	105A500.....		105A600W.....	105A600.....		106A500X.....	ICC-27, BE-27, 106A500.....		106A800X.....	106A800.....		107A***.....		2
Specifications prescribed in current regulations	Other specifications permitted (subject to the notes)	Notes																														
105A200W.....	105A100W.....	1																														
105A200A LW.....	105A100A LW.....	1																														
105A300W.....	ICC-105, 105A300.....																															
105A400W.....	105A400.....																															
105A500W.....	105A500.....																															
105A600W.....	105A600.....																															
106A500X.....	ICC-27, BE-27, 106A500.....																															
106A800X.....	106A800.....																															
107A***.....		2																														
	<p>Note 1.—Tanks built as Spec DOT-105A100-W or 105A100AL-W may be altered and reclassified as Spec DOT 105A200W or 105A200ALW, respectively, by installing safety relief valves, retesting and stenciling in accordance with the applicable specification.</p> <p>Note 2.—The test pressures of tanks built in the United States prior to January 1, 1956, may be increased to comply with current Spec. DOT-107A except that tanks built prior to 1941 are not authorized. Original and revised test pressure must be indicated and may be shown on a plate attached to the bulkhead of the car.</p>																															
§ 173.31(c)(9)	To clarify that a tank car must be retested at time of repair and that the reference to Table 1 is for retest pressure only. Also, to clarify that lined tanks must be retested after a lining is removed prior to being replaced in service as an unlined tank or prior to receiving a new lining. In addition, two other tank car linings, elastomeric and polyvinyl chloride, are being proposed.	In § 173.31, paragraph (c)(9) would be revised to read as follows: (9) After repairs requiring welding, riveting, caulking of rivets, or hot or cold forming to restore tank contour, tanks must be retested at the pressure specified in Retest Table 1 of this paragraph before return to service. Glass, lead, rubber, elastomeric or polyvinyl chloride lined tanks must be retested before lining is renewed or after lining is removed. Interior heater systems must be retested before return to service after repairs or renewals of any part of the system.																														

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.31(c)(10)	To require stenciling of the test due date for the tank, safety relief valve and interior heater systems so that the carrier and shipper personnel can quickly tell if a tank car is in compliance.	In § 173.31, paragraph (c)(10) would be revised to read as follows: (10) The year of the test of any tank, tank safety relief valve, and interior heating system, and the pressure to which it was tested and the test due dates must be stenciled on the tank or on the jacket if insulated, except that: if a retest is required specifically by the regulations during the calendar month the retest falls due, the month and year must be so stenciled. On existing cars, the test due date stencil must be applied at the next test date or tank packing whichever comes first. Any safety relief valve from a stock which has been tested within six months of installation may be considered as having been tested or retested in the month in which installed, provided the valve has been protected from deterioration during the period.
§ 173.31(c)(12) (Revised Table 1)	To update the Table by deleting the reference to obsolete tank car specifications and footnotes thereto, deleting obsolete references in the column marked "Up to 10 years", adding footnotes "u" and "v", and changing "95" to read "82" in the last column for Specification #12A175W.	In § 173.31, the Retest Table following paragraph (c)(12) would be amended by revising or deleting the following entries.

RETEST TABLE 1

Specification	Car age and retest interval (years) ¹			Pressure relief valve	Tank	Retest pressure—p.s.i.	
	Tank and interior heater systems					Pressure relief valve	
	Up to 10 years old	Over 10 to 22 years old	Over 22 years old			Start to discharge	Vapor tight
REVISE							
DOT-103		10	10	10	60	95	28
DOT-103A		3	1	2	60	35	28
DOT-103A-ALW*	5	3	1	(7)	60	35	28
DOT-103B		3	1	None	60		
DOT-103C		3	1	(7)	60	35	28
DOT-104		10	10	30	60	65	28
DOT-104A		10	10	5	100	75	
DOT-105A100		10	10	5	100	75	60
DOT-105A200ALW*							
DOT-105A300		10	10	5	300	225	180
DOT-105A300W*							
DOT-105A400		10	10	5	400	300	240
DOT-105A500		10	10	5	500	375	300
DOT-105A600		10	10	5	600	450	360
DOT-111A60ALW1*	18D10	10	10	1	60	35	28
DOT-111A60ALW2*	5	3	1	(7)	60	35	28
DOT-111A60F1*	10	10	10	10	60	35	28
DOT-111A60W1*		20	10	10	60	35	28
DOT-111A60W5	5	3	1	None	60		
DOT-111A100ALW1*	10	10	10	10	100	75	60
DOT-111A100ALW2*	5	3	1	(7)	100	75	60
DOT-111A100F1*		10	10	10	100	75	60
DOT-111A100W1*		20	10	10	100	75	60
DOT-112A340W	10	10	10	5	340	255	204
DOT-112A400F		10	10	5	400	300	240
DOT-112A400W*	10	10	10	5	400	300	240
DOT-112A400W*	10	10	10	5	500	375	300
DOT-112A500W*		10	10	5	(7)	115	92
DOT-112A175W	(7)	(7)	(7)	5	340	255	204
DOT-112A340W*	10	10	10	5	400	300	240
DOT-112A400W*	10	10	10	5	400	300	240
DELETE							
DOT-103CAL		2	1	(7)	60	85	28
EMERG. USG- A, B, and C		10	40	10	40	25	
ARA-III		10	19	40	25	20	
ARA-III acid (unlined)				None	60		
ARA-III (rubber lined)				None	60		
ARA-IV			30	18	60	95	20
ARA-IV-A			18	5	100	35	28
ARA-V			18	5	300	225	180

¹ Class 103 and 104 tank cars built before January 1, 1959 and equipped with 25 psi safety relief valves may remain in service with start-to-discharge retested at 25 psi, vapor tight at 20 p.s.i.

* Nickel clad tanks in bromine service and any glass, rubber, lead or elastomeric lined tank need not be periodically retested, but the interior heater systems and safety relief valves must be retested at the prescribed interval. For testing requirements for glass, rubber or other lined tanks see paragraphs (c)(9), (c)(11), and (c)(12) of this section.

* When the retest interval changes due to the age of the tank, the new retest interval must be measured from the last retest date but in no case shall the time between retests exceed the interval specified in Table 1 for the age of the tank. The retest of a tank because of repairs may after the normal retest schedule specified in the table.

* Tanks must be retested at the time they are converted from existing pressure type tanks to a non-pressure specification. When tanks are converted to DOT 103A-ALW from DOT 103ALW or AAR 201A70W, the tank must be retested at the time of conversion if welding on the tank is performed. For future retests of converted tanks, the retest interval must be selected from the table based on the age of the tank computed from the date converted instead of the date built. The conversion date must be stenciled on the tank below the built date.

* When tanks are converted to DOT-103AW from existing DOT-103W or 103BW tanks, the tank must be retested at time of conversion if welding on the tank is performed. Lined tanks must be retested before or after the lining is removed. For future retests, the retest interval must be selected from the Table as though the tank were 10 years old at time of conversion. The conversion date must be stenciled on the tank below the built date.

* Tank cars stenciled 112S, 112T, 112J, 114S, 114T or 114J have the same retest requirements as 112A or 114A, respectively.

* Pressure tank cars authorized for corrosive materials service must have tank and safety relief valve retested when removed from the service and prior to return to compressed gas service.

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.22(a)	To clarify that it is not necessary for the owner of DOT Specification 58 and 57 portable tanks to keep on file a copy of the manufacturer's data report during the time the tanks are in service.	In § 173.22 paragraph (a) would be revised to read as follows: (a) Except as otherwise provided in this section, every portable tank container used for the transportation of dangerous articles shall fulfill the requirements of the specification and regulations for the transportation of the particular commodity. Except for Specification 58 and 57 portable tanks, a manufacturer's data report of the portable tank container shall be procured and retained in the files of the owner during the time that such portable tank container is used for such services.
§ 173.32(a)(8)	To remove the entire paragraph (a) because the owner of manufacturer of the M portable tanks was required to advise the Associate Director for HMR before October 1, 1981 if the tanks could not be certified as a DOT Specification 1M 101 or 1M 102. Paragraph (a) has served its purpose and is no longer needed.	In § 173.32a, paragraph (a) would be removed and reserved.
§ 173.33(d)(12)	To eliminate the need for the inspection/test report to be prepared in duplicate. See § 173.33(h)(13) for further explanation.	To amend the introductory text of paragraph (d)(12) of § 173.33 by deleting the words "in duplicate".
§ 173.33(d)(13)	To eliminate the need for motor carriers operating certain DOT Specification MC 330 or MC 331 cargo tanks to file a copy of the latest report with the Director of the Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. This change should result in a savings of over 3,000 hours per year just for the motor carrier industry.	To revise paragraph (d)(13) of § 173.33 to read as follows: (13) Report retention. A copy of the report required by this section must be retained by the carrier at its principal place of business during the period the tank is in the carrier's service and for 1 year thereafter. However, upon a written request to, and with the approval of the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has its principal place of business, the carrier may maintain the reports at a regional or terminal office.
§ 173.34(a)(4)	To delete paragraph (a)(4) because it is a duplicate of paragraph (c)(2).	In § 173.34 paragraph (a)(4) would be removed.
§ 173.34(a)(10)	To add DOT Specification 3AA for argon, helium, nitrogen, oxygen, breathing air, and dry compressed air which is commercially free from corroding components to the Table in paragraph (a)(10). The addition of these noncorrosive laboratory gases to the table will make it practical to reduce the number of high pressure stresses on the cylinders during hydrostatic tests.	To amend the table in paragraph (a)(10) of § 173.34 by adding the following to the end thereof: DOT-3AA — argon, helium, nitrogen, oxygen, breathing air, and dry compressed air which is commercially free from corroding components.
§ 173.53(h)	To add the Bureau of Mines, U.S. Department of the Interior as an authorized agency to examine Type B explosives. The Bureau of Mines was added to § 173.56(b) under Docket No. HMT-153E on April 18, 1981.	In § 173.53, paragraph (h) would be revised to read as follows: (h) Type B. Any solid or liquid compound, mixture or device which is not specifically included in any of the above types, and which under special conditions may be so designated and examined by the Bureau of Explosives or the Bureau of Mines, U.S. Department of the Interior and approved by the Associate Director for HMR. Example: Shaped charges, commercial.
§ 173.81(a)(6) and (a)(6)(b)	To eliminate the need for DOT approval of blocking and bracing methods prescribed by the military departments.	In § 173.81, paragraphs (a)(6) and (a)(6)(b) would be amended by deleting the words "and approved by the Department".
§ 173.119(a)(12)	To remove the reference to obsolete tank car specifications.	In § 173.119, paragraphs (a)(12) would be amended by deleting Specification ARA-III, ARA-IV, or ARA-IV-A.
§ 173.119(a)(17)	To authorize the use of DOT Specification MC 310 MC311 and MC312 cargo tanks for transportation of flammable liquids. Subject cargo tanks are authorized in § 173.119(m)(12) for flammable liquids which are also oxidizers, corrosive liquids or Poison B liquids. The restriction against the use of MC 310, MC 311 or MC 312 cargo tanks for a product which is only a flammable liquid appears to be unreasonable.	To revise § 173.119(a)(17) to read as follows: (17) Specification MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, MC 312, MC 330, or MC 331. (See 178.340, 178.341, 178.342, 178.343, 178.337). Tank motor vehicles. Bottom outlets on Spec. MC 304 cargo tanks must be equipped with valves conforming with § 178.342-5(a). If Spec. MC 310, MC 311 or MC 312 cargo tanks are constructed with bottom outlets, they must conform with §§ 178.342-5(a) and 178.343-5. Bottom outlets on Spec. MC 300 and MC 331 cargo tanks must be equipped with valves conforming with § 178.337-11(c).
§ 173.119(a)(18)	To remove reference to obsolete tank car specifications.	In § 173.119, paragraph (a)(18) would be removed and reserved. Also footnote 4 would be removed.
§ 173.119(a)(2)	To remove the reference to obsolete tank car specifications.	§ 173.119, (a)(2) would be amended by deleting Specification ARA-III, ARA-IV, or ARA-IV-A. Also the last two lines which read: "(See Note 1 of paragraph (f)(3) of this section)" would be removed.
§ 173.119(a)(3), (a)(3)(i), and (a)(5)	To authorize the use of DOT Specification MC 310, MC 311, and MC 312 cargo tanks for shipment of flammable liquids. See § 173.119(m)(17) for proposed change.	In § 173.119, paragraph (a)(3), (a)(3)(i) and (a)(5) would be amended to include Specification MC 310, MC 311, and MC 312 and provide for bottom outlets. See § 173.119(a)(17).
§ 173.119(f)	Reference to "Note 2" would be changed to "see Note 1" because the present Note 1 applies to obsolete tank cars.	In § 173.119, the introductory text of paragraph (f) would be amended by changing "see Note 2" to read "see Note 1".
§ 173.119(f)(3)	To remove the reference to obsolete tank car specification, remove reference to paragraphs (g) and (h) and change the reference of "Note 3" to read "Note 2".	In § 173.119, paragraph (f)(3) would be amended by (1) deleting Specifications ARA-IV-A, and ARA-IV-A; (2) deleting (see Note 1 of this paragraph); (3) deleting reference to paragraphs (g) and (h) and (4) changing reference to "Note 3" to read "Note 2".
§ 173.119(f)(4)	To remove the reference to obsolete tank car specifications and (1) delete the third and fourth sentences, (2) delete all of Note 1, and (3) change Note 2 and Note 3 to read Note 1 and Note 2.	In § 173.119, paragraph (f)(4) would be revised to read as follows: (4) Specification 103, 103W, 103ALW, 104, 104W, 111A60ALW1, 111A60F1, 111A60W1, 111A60W1, 111A60W5 or 111A60ALW (See 179.200, 179.201, 179.220, 179.221 of this subchapter) Tank cars. Note 1 would be deleted and Note 2 and Note 3 would be renumbered Note 1 and Note 2 respectively.
§ 173.119 (g) and (h)	To remove the requirement for obsolete manhole closure identification mark and dome placards. The ARA tank cars which required the above are no longer in service.	In § 173.119, paragraphs (g) and (h) would be removed and reserved.
§ 173.223(a)(5)	To remove the reference to obsolete tank car specification ARA-IV-A and the reference to an obsolete Note 1.	In § 173.223, paragraph (a)(5) would be revised to read as follows: (5) Specification 105A100, 105A100W, 111A100W4, 112A200W, 112A400F, or 114A340W (See 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars. Specification 114A340W tank cars must not be equipped with any bottom outlet. Bottom washout permitted (See § 173.10 for shipping instructions).
§ 173.124 (a)(1) and (a)(2)	To eliminate the need for the inside metal containers prescribed in paragraph (a)(1) and the cylinders prescribed in paragraph (a)(2) of § 173.124 to be coated with a heat-retardant paint. The MTB will appreciate receiving comments from shippers of ethylene oxide who have information regarding benefits of heat-retardant paint and whether standards exist for specifying such paints.	In § 173.124, paragraphs (a)(1) and (a)(2) would be amended by deleting that portion of the paragraph that pertains to heat-retardant paint and examined by the Bureau of Explosives and approved by the Associate Director for HMR.

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.202(a)(1)	To eliminate the need for inside metal containers to be examined by the Bureau of Explosives and approved by the Associate Director for HMR. The MTB believes that the examination and approval of the inside metal can is no longer necessary because of the wording in §§ 173.21 and 173.24.	In § 173.202, paragraph (a)(1) would be revised to read as follows: (1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers. Inside packaging must be cushioned with incombustible cushioning material. Each container must have been tested hydrostatically to a pressure of not less than 60 pounds per square inch without rupture. Closing devices must be protected from injury. Not more than 300 pounds of sodium or potassium liquid alloy may be shipped in one outside container.
§ 173.206(c)(2)	To remove the net weight restriction of 300 pounds for DOT Specification 17C drums and the 30 pounds restriction for DOT Specification 17H, 37A and 37B drums. This restriction appears to be unnecessary.	To delete the last sentence of paragraph (c)(2) in § 173.206.
§ 173.238	The MTB is considering the removal of the entire section regarding "Aircraft rocket engines (commercial) and/or aircraft rocket engine igniters (commercial)" from 49 CFR. Note 1 of the referenced section states that "For purposes of § 173.238, aircraft rocket engines (commercial) are standby aircraft propulsion engines which are for civil aircraft installation only, comprising a metal case containing a solid composite fuel other than one classified as an explosive and containing no explosive material or element". According to our information, the MTB is not aware of any aircraft rocket engines (commercial) that do not contain some explosive material. For this reason, this section serves no useful purpose. Jet thrust unit (jet) appears to be the proper shipping name.	In § 173.238 the section would be reserved and reserved § 173.238 [Reserved]
§ 173.245(a)(25)	To eliminate the need for the inside aluminum containers to be examined by the Bureau of Explosives (B of E) and approved by the Associate Director for HMR. The MTB believes that the examination and approval of the inside aluminum container is unnecessary because of the wording in §§ 173.21 and 173.24. The section was added to the regulations several years ago for the shipment of diethyl pyrocarbonate.	In § 173.245, paragraph (a)(25) would be revised to read as follows: (25) Specification 12A or 12B (§§ 178.210, 178.205 of this subchapter). Fiberboard boxes with inside aluminum packaging.
§ 173.252(g)(1)	To eliminate the need for gasket material used on Spec. 5K or 5M drums for bromine to be examined by the Bureau of Explosives and approved by the Associate Director for HMR. The wording in § 173.24 should be adequate.	In § 173.252, the last sentence in paragraph (g)(1) would be revised to read as follows: (1) " * * * Each drum must be completely emptied and dried before reuse.
§ 173.256(z)(3)	To eliminate the need for the molded liner to be examined by the Bureau of Explosives and approved by the Associate Director for HMR. Referenced paragraph was added several years ago when a shipper wanted to switch from a rubber liner to a polyethylene liner.	In § 173.256, paragraph (z)(3) would be revised to read as follows: (3) Specification 22B (§ 178.197 of this subchapter). Plywood drums equipped with a liner of rubber, polyethylene or other material impervious to the solution.
§ 173.263(a)(9)	To authorize the use of a safety relief valve or safety vent. Release of hazardous material through the vent has caused human injuries. DOT-E 8509 authorizes the use of a safety relief valve on DOT Specification 103BW and 111A100W5.	In § 173.263, paragraph (a)(9) would be amended by changing the introductory text of the fourth sentence to read " * * * A safety relief valve or a safety vent of approved design " * * *.
§ 173.289(a)(2)(i)	To clarify the marking requirements in § 173.289(a)(2)(i) also apply to the tank cars that could be used under the provisions of paragraph (a)(1) of § 173.289.	In § 173.289, paragraph (a)(2)(i) would be revised to read as follows: (i) Each tank car authorized under this section must be marked "FORMIC ACID" in accordance with the requirements in § 172.330 of this subchapter.
§ 173.314(c) Table	To delete reference to DOT-106A500X, 110A500W, Note 25 for chlorotrifluoromethane (R-13) because these tanks are not suitable for this product.	In column 3 of the Table in § 173.314(c) for the entry chlorotrifluoromethane (R-13) DOT-106A500X, 110A500W, Note 25, would be removed.
§ 173.314(c) Table Note 12	To remove the reference to obsolete tank car specification ARA-V.	In § 173.314(c), Note 12 following the Table would be amended by deleting reference to ARA-V tank cars.
§ 173.315(b) Table	At present, the Table infers that "See Note 1," in the fourth column applies to only two entries instead of the entire table. Apparently, the 1976 edition of 49 CFR was the last issue in which the Table was published correctly.	To amend the Table in paragraph (b) of § 173.315 by adding "See Note 1" in the same block as the heading in the fourth column.
§ 173.354(a)(5) and § 173.354(a)(6)	To authorize the use of a frangible disc in series with a spring-loaded safety relief valve on DOT Specification 51 portable tanks and DOT Specification MC 331 cargo tanks which are used to transport motor fuel antiknock compound. This action is necessary in order to protect the relief valve from possible corrosion which could result in a faulty operation.	To add a sentence at the end of paragraphs (a)(5) and (a)(6) of § 173.354 to read as follows: " * * * A frangible disc may be used in series with and inboard of the safety relief valve. The relief valve and the frangible disc must be set to function in a range of no less than 100 percent and no greater than 110 percent of the maximum allowable working pressure.
§ 173.860(c)	To provide an exception for minute quantities of metallic mercury (contained in electron tubes and vapor tubes) which do not pose a transportation hazard.	To add paragraph (c)(5) to § 173.860 to read as follows: (5) In manufacturer's original packaging if each item does not contain more than 100 milligrams of mercury per tube and if the outside package does not contain more than one gram total net quantity. Packages complying with these quantity limitations are not subject to any other requirements of this subchapter.
§ 174.63(d)	To specify the criteria for approving DOT Specifications IM 101 and IM 102 portable tanks for Trailer-on-flat-car (TOFC) and Container-on-flat-car (COFC) service. At present, approval is granted under conditions approved by the Associate Administrator for Safety, FRA.	In § 174.63, paragraph (d) would be revised to read as follows: (d) An IM 101 or IM 102 portable tank may be transported in trailer-on-flat-car (TOFC) or container-on-flat-car (COFC) service only on cushioned underframe rail cars— (1) General requirements: (i) IM portable tanks when used for TOFC shipments must be equipped to be securely mated to a container trailer chassis. The tie-downs on each chassis trailer must be the standard ISO twist-lock pins and corner casting. (ii) IM portable tanks when used for COFC shipments must be equipped to be securely attached to a railroad container car equipped with an ISO standard COFC basic pedestal system designed for container support and securement. (2) Under DOT Exemption—IM portable tanks which were constructed before October 1, 1981 are approved for TOFC/COFC service in accordance with § 174.63(d) provided the general requirements and the following requirements have been met: (i) The IM portable tanks have been approved for TOFC or COFC service by the provisions of a DOT exemption; and (ii) The owner or manufacturer has certified to the Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, DOT, that the IM portable tanks meet either the IM 101 or the IM 102 DOT specification.

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 174.104(a)	The Department of Defense requested an amendment to specifically state that cushioned underframe rail cars are authorized for the shipment of Class A explosives. These cars give a smoother ride and reduce shock loads during coupling operations.	<p>(3) <i>New Construction</i>—HM portable tanks which were constructed after May 1, 1981 are approved for TOFC/COFC service in accordance with 174.63(d) provided the general requirements are met and the Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, DOT has received an approval certificate, as required in § 173.32a(b) certifying the HM portable tanks meet either the HM 101 or the HM 102 DOT Specification from a designated approval agency for DOT Specification HM 101 and HM 102 portable tanks.</p> <p>(4) <i>Existing Tanks Not Authorized by Exemption</i>—HM portable tanks which were constructed before May 1, 1981 that have not been authorized for service by the provisions of DOT exemptions are approved for TOFC/COFC service in accordance with § 174.63(d) provided the general requirements are met and the Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, DOT has received an approval certificate, as required in § 173.32a(b) certifying that the HM portable tanks meet either the HM 101 or the HM 102 DOT Specification from a designated approval agency for DOT Specification 101 and 102 portable tanks.</p> <p>In § 174.104, paragraph (a) would be revised to read as follows: (a) Except as provided in § 174.101 (b), (n), and (o), Class A explosives being transported by rail may only be transported in a certified and properly placarded closed car of not less than 80,000 pounds capacity, with steel underframes and friction draft gear or cushioned underframe, except that on a narrow-gauge railroad they may be transported in a car of less capacity so long as the car of greatest capacity and strength available is used.</p> <p>To § 174.104, paragraph (b)(5) would be amended by adding the following sentence to the end: (5) "If evidence of potential hazardous contamination is apparent after the floor has been swept the carrier must either decontaminate the car or provide a suitable substitute car."</p> <p>To revise paragraph (c)(5) of § 178.305 to read as follows: (5) Flammable liquids in excess of one ton, except flammable liquids with a flashpoint above 73° F., may not be transported in any hold or compartment that is fitted with a gooseneck type of vent head.</p> <p>In § 177.817 paragraphs (a) and (d) would be revised to read as follows:</p> <p>(a) General requirements. A carrier may not transport a hazardous material unless it is accompanied by a shipping paper that is prepared in accordance with §§ 172.200, 172.201, 172.202, and 172.203 of this subchapter.</p> <p>...</p> <p>(d) This section does not apply to any material, other than a hazardous substance or a hazardous waste, that is classified as an ORM-A, B, C or D (See § 172.290 of this subchapter).</p> <p>To revise the introductory text of § 178.24-7(a), 178.27-3(a), and 178.35a-3(a) to read as follows: (a) Samples taken at random shall withstand prescribed test without breakage or leakage. Test shall be made on each type and size produced at each manufacturing location starting production and shall be repeated every four months. Testing may be performed at a location other than at the manufacturing location. The type of tests are as follows:</p> <p>...</p> <p>In § 178.37-5(a), Note 2 would be relocated at the end of the first table.</p>
§ 174.104(b)(6)	The Department of Defense requested an amendment to require the carrier to check munitions rail cars prior to loading for the presence of flammable or otherwise potentially hazardous residues or other contaminants that may have permeated the car floor or interior structure from previous cargoes.	
§ 178.305(c)(5)	To clarify that flammable liquids having a flashpoint above 73° F. and in excess of one ton may be transported in any hold or compartment that is fitted with a gooseneck type of vent head.	
§ 177.817 (a) and (d)	To make the shipping paper requirements in § 177.817 consistent with those in Part 172.	
§ 178.24-7(a), § 178.27-3(a), and § 178.35a-3(a)	Present wording infers that the required testing be done at the same manufacturing location where the container is made. A change is needed to specifically state that the testing may be performed at a location other than at manufacturing location.	
§ 178.37-5(a), § 178.44-5(a), Note 1	Note 2 following the second table should follow Note 1 after the first table. Reference to Note 2 is only mentioned in the heading of the first table. Also, the last part of Note 1 which reads "except as approved by the Department" would be removed. These same words would be removed in Note 1 of § 178.44-5(a).	
§ 178.46-8(d)(12)	To eliminate the need for a copy of the inspector's report to be filed with the Associate Director for HMR. The proposed wording would be the same as required in § 178.37-4(d) for DOT Specifications BAA and 3AAJ cylinders.	
§ 178.46-8(a)(2)	To correct the reference to "Part II" to read "Part III" in § 178.46-8(a)(2).	
§ 178.47-8(a), § 178.50-8(b), § 178.51-8(b), § 178.52-8(b), § 178.54-8(a)(2), § 178.55-8(b), § 178.56-8(b), § 178.57-8(b), § 178.58-8(a), § 178.59-7(a), § 178.60-7(b), § 178.61-8(a), and § 178.65-8(b)	To have all DOT specifications for welded steel cylinders to reference CGA Pamphlet C-3 for consistency.	<p>To revise paragraph (d)(12) of § 178.46-4 to read as follows: (12) Furnish complete test reports required by this specification to the maker of the cylinder and, upon request, to the purchaser. The test report must be retained by the inspector for three years from the original test date of the cylinder.</p> <p>To amend paragraph (a)(2) of 178.46-8 by changing "Part II" to read "Part III".</p> <p>In 178.47-8(d), third sentence, 178.54-8(a)(2), last sentence, 178.58-8(a), last sentence, and 178.61-8 (d) would all be revised to read: "Welding procedures and operators must be qualified in accordance with the sections CGA Pamphlet C-3 that apply".</p> <p>Sections 178.50-8(b), 178.51-8(d), 178.53-8(b), 178.55-8(d), 178.56-8(d), 178.57-8(b), 178.59-8(b), 178.60-7(b), and 178.65-8(d) would all be added to read: "Welding procedures and operators must be qualified in accordance with the sections of CGA Pamphlet C-3 that apply".</p> <p>In addition to the change in § 178.57-8(a), an additional sentence would be added to read: "In addition, impact test of the weld shall be performed in accordance with § 178.57-17(d) as part of the qualification of each welding procedure and operator".</p> <p>To revise paragraph (a)(5) in § 178.57-10 to read as follows: (5) Further provided that wall stress for cylinders having longitudinal seams must not exceed 85 percent of the above value, whichever applies.</p> <p>To revise paragraph (a) of § 178.61-15 to read as follows: (a) To determine yield strength, tensile strength, elongation, and reduction of area material specimens must be cut from one cylinder taken at random out of each lot of 200 or less after heat treatment as follows:</p> <p>(1) One specimen shall be taken longitudinally from the body section at least 90 degrees away from the weld and one other specimen from either of the heads. If the two heads are of differing materials, a specimen shall be taken from each head.</p>
§ 178.57-10(a)(5)	To add the word "stress" after the word "wall".	
§ 178.61-15(a)	To specify lot size and resultant frequency of test.	

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 178.65-5(b)	To authorize the use of aluminum alloy identified as 1060. Essentially alloy 1060 is very similar to alloy 1170. The final product performance of cylinders manufactured with 1060 alloy yield very slightly improved mechanical characteristics.	(2) If due to welded attachments there is insufficient space to obtain the specimen from the top head, the specimen may be taken from a representative head subjected to the same heat treatment as the test cylinder. To amend paragraph (c) of § 178.65-5 to include alloy "1060"
§ 178.81-11, § 178.81-12(a), § 178.82-12(a), § 178.83-12(a), § 178.88-11(a), § 178.89-10(a), § 178.90-11(a), § 178.92-12(a)(4), § 178.98-10(a), § 178.99-10(a), § 178.100-10(a), § 178.102-4(a), § 178.107-10(a), § 178.109-10(a), § 178.115-11(a), § 178.116-11(a), § 178.117-12(a), § 178.118-11(a), § 178.130-9(a), § 178.131-10(a), § 178.132-10(a), § 178.133-10(a), § 178.135-9(a), § 178.137-6(a), § 178.140-7(a), and § 178.141-7(a)(3)	To eliminate the minimum marking sizes for metal drums. The Steel Shipping Container Institute (SSCI) has requested this change so that the embossed markings will be consistent with international standards. Because of the limited space for embossment, these proposed changes should eliminate manufacturing marking problems without affecting safety. Note.—Instead of repeating all of the information proposed in § 178.80-11 for each specification affected, the MTB is planning to revise all of the affected sections by referring the reader to the § 178.80-11 section.	In § 178.80-11 the entire text would be revised to read as follows: § 178.80-11 Marking. (a) Each container shall be marked by embossing on a permanent head with clearly legible raised characters as follows: (1) DOT-(Spec. No.) (where applicable, STC; indicating a single trip container, or NRC, indicating a nonreusable container). (2) If manufactured of stainless steel, the type of steel used in body and head sheets as identified by the American Iron and Steel Institute type number (for example, 304, 316, 304HT). This mark should be near the DOT mark. (3) Name or symbol of person making the mark specified in paragraph (a)(1) of this section. Symbol, if used, must be registered with the Associate Director for HMR. (4) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 18-55-83). When gauge of metal in body differs from that in heads, both must be indicated with a slanting line between and with gauge of body indicated first, (for example, 18/16-55-83 for body 15 gauge and head 16 gauge). (b) For the purpose of this subchapter, the minimum character size specified in § 173.24(c)(1)(iv) is waived. In § 178.80-13, the second sentence of the introductory text of paragraph (a) would be amended to read as follows: (a) Tests shall be successfully performed on each packaging design type before such packaging is used. A packaging design type is defined by the design, size, material, thickness and manner of construction but may include various surface treatments. It also includes packagings which differ from the design type only in their lesser design heights.
§ 178.24-7, § 178.35a-3, § 178.80-13(a), § 178.81-13(a), § 178.82-13(a), § 178.83-13(a), § 178.88-12(a), § 178.89-11(a), § 178.90-12(a), § 178.92-13(a), § 178.98-11(a), § 178.99-11(a), § 178.100-11(a), § 178.107-11(a), § 178.109-11(a), § 178.115-12(a), § 178.116-12(a), § 178.117-13(a), § 178.118-12(a), § 178.130-10(a), § 178.131-11(a), § 178.132-11(a), § 178.133-11(a), § 178.135-10(a), § 178.137-7(a), § 178.140(a), and § 178.141-6(c)	In addition to the proposed marking changes, the "SSCI has also requested that the 'type and size' in the test requirements for metal drums be amended to eliminate unnecessary testing of smaller drums when the taller drum of the same design, size, material, thickness and construction has already passed of the required tests. This would be consistent with UN recommendations and Docknet HM-181, Advance Notice. Note.—For the purpose of this notice, the proposed amendment will only be listed once. However, in the final rulemaking the proposed wording would be inserted in each of the referenced sections.	To revise the introductory text of paragraph (a) of § 178.102-4 to read as follows: (a) Marking requirements for new or altered drums are as follows. <i>New drums.</i> Marking on each drum by embossing on the permanent head, with raised marks not less than 1/4 inch. <i>Altered drums.</i> Drums which have been altered to Specification 6D from an all 18-gauge tight head drum may be embossed on the body of the drum, no more than six inches from top curl. To revise the introductory text of paragraph (a) of § 178.102-4 to read as follows: (a) Marking requirements for new or altered drums are as follows. <i>New drums.</i> Marking on each drum by embossing on the permanent head, with raised marks not less than 1/4 inch. <i>Altered drums.</i> Drums which have been altered to Specification 6D from an all 18-gauge tight head drum may be embossed on the body of the drum, no more than six inches from top curl.
§ 178.102-4	To allow embossment on either permanent head of a new DOT Specification 6D drum or in the case where a drum has been altered to Specification 6D from an all 18-gauge tight head drum, the markings may be embossed on the body of the drum, no more than six inches from top curl. See § 178.118-10 for similar marking requirements for DOT Specification 17H drums.	To revise the introductory text of paragraph (a) of § 178.102-4 to read as follows: (a) Marking requirements for new or altered drums are as follows. <i>New drums.</i> Marking on each drum by embossing on the permanent head, with raised marks not less than 1/4 inch. <i>Altered drums.</i> Drums which have been altered to Specification 6D from an all 18-gauge tight head drum may be embossed on the body of the drum, no more than six inches from top curl.
§ 178.117-9	To authorize the use of a performance type of closure for DOT Specification 17F steel drums as authorized for DOT Specifications 5A, 5B, 5C, 17E and 17H drums.	To amend paragraph (e) to § 178.117-9 to read as follows: (e) Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.
§ 178.134-2(c)	To authorize two weep holes in the overpack body (DOT Specification 37W) immediately below the top chime as authorized for DOT Specification 6D.	To revise the introductory text of paragraph (c) of § 178.134-2 to read as follows: (c) Two holes not exceeding 1/4 inch each are permitted diametrically opposite each other in the overpack body immediately below the top chime or immediately above the double seam of the boom chime or three holes not exceeding 1/4 inch in diameter on cantiers 120 degrees apart in the bottom head.
§ 178.137-7(b)	Paragraph (b) incorrectly states that samples of drums must be tested as prescribed in paragraphs (a) (1) and (2) of the section. Since there is no paragraphs (a) (1) and (2) the introductory text of paragraph (b) would be amended by correcting the reference to paragraph (b).	In § 178.137-7, the introductory text of paragraph (b) would be revised to read as follows: (b) Samples which are taken at random and closed as for use must be tested as prescribed in paragraphs (1) and (2) of this section without leakage.
§ 178.251-3(d)	To reduce the number and size of specimens which are required to be tested for DOT Specification 56 and 57 portable tanks. Also, the test interval would be increased from six months to twelve months. The present wording of § 178.251-3(d) is more appropriate for DOT Specification MC 306, MC 307 and MC 312 cargo tanks. Fabrication of several different types and sizes of portable tanks by a single manufacturer could become expensive. The proposed change would reduce the cost of testing without reducing safety.	To revise § 178.251-3(d) to read as follows: (d) Compliance test. Compliance with the requirements contained in paragraph (b) or (c) of this section for the welded joints must be determined by preparing two test specimens from materials and fabrication techniques representative of those to be used in each tank. Each specimen must be tested to failure under tension. Each test specimen must be prepared and tested in accordance with ASTM Standard E8-81 for metallic materials and ASTM Standard B557-81 aluminum and magnesium alloy products. As a minimum, one pair of representative test specimens, consisting of the minimum and maximum thickness for each type of material used, may represent all the related tanks manufactured in the same shop within 12 months after the tests on the samples have been completed. The butt welded specimens tested may be considered as qualifying other types or combinations of types of welds using the same filler material and welding process as long as parent metals are of the same types of materials. To revise § 178.255-8 to read as follows: See § 173.315(i) of this subchapter.
§ 178.255-8	To eliminate the need for safety devices on DOT Specification 60 portable tanks to be approved by the Associate Director for HMR. The MTB believes that this approval should not be any different than that specified in § 178.337-9 for a MC 331 cargo tank.	To revise § 178.255-8 to read as follows: See § 173.315(i) of this subchapter.
§ 178.255-15	To eliminate the need for a copy of the manufacturer's data report and registration of each tank with the Associate Director for HMR.	To revise § 178.255-15(a) to read as follows: (a) A copy of the manufacturer's data report required by the Code (See § 178.245-1(a) under which the tank is fabricated shall be furnished to the owner for each new tank.